

**REMARKS**

Reconsideration and allowance of the above-referenced application are respectfully requested.

**I. STATUS OF THE CLAIMS**

Claims 5 and 19 are cancelled herein without prejudice or disclaimer.

Claims 1, 3, 6, 7, 9, 13, 15, 17, 20, 21 and 26-28 are amended herein.

In view of the above, it is respectfully submitted that claims 1-4, 6-18 and 20-28 are currently pending and under consideration in the present application.

**II. REJECTION OF CLAIMS 1, 2, 4, 5, 19 AND 26 UNDER 35 U.S.C. § 103(A) AS BEING UNPATENTABLE OVER KIKUCHI ET AL. (USP# 6,298,143 B1)**

Claims 5 and 19 are cancelled herein.

The present invention as recited in claim 1 (as amended herein), relates to a method of detecting a moving object comprising "a brightness comparing step of comparing a distribution of brightness values of the input image with a distribution of brightness values of the background image in the moving area, which is set by said moving area setting step, to discriminate whether or not a moving object appears in the input image based on a size of the moving object."

Kikuchi discloses a moving detecting system for identifying a moving target by distinguishing the moving target from a background.

However, Kikuchi fails to teach discriminating in a moving area whether or not a moving object appears in the input image based on a size of the moving object. Contrary to Kikuchi, the present invention compares a distribution of brightness values of an input image with a distribution of brightness values of a given background image in a moving area to discriminate whether or not a moving object appears in the input image based on a size of the moving object (see claim 1). Support for the above-described feature may be found at page 12, lines 9-11 and page 13, lines 15-17 of the Applicant's specification.

Therefore, Kikuchi does not teach or suggest the features as recited in claim 1 of the present invention.

Claims 2 and 4 depend from claim 1. Thus, for at least the reasons that claim 1 distinguishes over the cited prior art, it is respectfully submitted that claims 2 and 4 also distinguish over the cited prior art.

Claim 26 (as amended herein) relates to an apparatus for detecting a moving object in an input image, comprising "a background difference calculating section, connected to said input image retaining section and said background image retaining section, for (c1) calculating a difference between the input image and the background image, and for (c2) comparing an input-image-related unit block and a background-image-related unit block to extract a moving block which changes a shape in brightness distribution."

However, Kikuchi does not teach that unit blocks are compared to extract a moving block which changes a shape in brightness distribution. Therefore, Kikuchi does not teach or suggest the features as recited in claim 26 of the present invention.

In view of the above, it is respectfully submitted that the rejection is overcome.

### **III. ALLOWABLE SUBJECT MATTER**

In item 3, on page 6 of the Office Action, claims 3, 6-18, 20-25, 27 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 3, claims 6, 7, 9, 13, 15 and 17, claims 20 and 21, and claims 27 and 28 have been rewritten in independent form to include all of the limitations of claims 1, 5, 19 and 26, respectively.

Claims 8, 10-12, 14, 16 and 18, claim 23, and claims 22, 24 and 25 depend from claims 6, 20 and 21, respectively. Thus, for at least the reason that claims 6, 20 and 21 distinguish over the cited prior art, it is respectfully submitted that claims 8, 10-12, 14, 16, 18 and 22-25 also distinguish over the cited prior art.

In view of the above, it is respectfully submitted that the rejection is overcome.

### **IV. CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that each of the claims patentably distinguishes over the prior art, and therefore defines allowable subject matter. A prompt and favorable reconsideration of the rejection along with an indication of allowability of all pending claims are therefore respectfully requested.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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